

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, January 13, 1972**

The meeting was called to order at 7:30 P.M. by Chairman Houck.

## ROLL CALL

Present: Gafner, Gaus, Houck, Kelley, Novakoski, Rendon, Taylor Trierweiler.

Absent: None.

## HEARINGS

No. 1904

Mrs. Leonia Jorden was present to speak on behalf of her appeal to enclose an existing front porch with glass, which will extend into the required front yard, upon the premises known as 218 Huron Street. This request is contrary to Section 36-44(4) of the Zoning Code which requires a front yard of 22 feet as established by 40% of the developed frontage. The applicant is requesting a variance of seven feet, which would place the proposed enclosure within 15 feet of the front property line.

A slide presentation was given by Mr. James Foulds of the Planning Department, showing the subject property and the surrounding land use.

Mrs. Leonia Jorden, 318 Huron Street, stated that she wanted this enclosure in order to protect her house from inclement weather and also, it would be easier to heat.

Mrs. Houck asked if this was a two family home.

Mrs. Jorden replied that it was. The apartment existed when she bought the home.

Mrs. Houck then asked if she lived downstairs with the apartment upstairs.

Mrs. Jorden replied yes.

Mr. Trierweiler asked if she was going to heat this porch.

Mrs. Jorden replied that she was not.

Motion by Kelley supported by Novakoski that appeal No. 1904 be granted under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that many of the homes in the area have screened in front porches, and that the visual effect of these enclosures are similar to a glass enclosure, therefore, the Board does not believe the character of the area will be changed. The Board does not believe the change will seriously affect any adjoining property or the general welfare and is in keeping with the general intent of the Zoning Code.

Motion carried unanimously.

No. 1905

Mrs. Grace L. Ansley was present to speak on behalf of her appeal to extend an attached garage to within two feet of the west property line upon the premises known as 2034 West Lenawee Street. The proposed addition is contrary to Section 36-44(3) of the Zoning Ordinance in the following particulars: Section 36-44(3) requires a side yard of ten (10) percent of the lot width or in this case seven point five (7.5) feet.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mrs. Grace Ansley, 2034 West Lenawee, stated that it would be much more convenient to be able to park their two cars side by side in the garage instead of leaving one out in the snow.

Mrs. Houck asked if her lot went beyond the embankment off on the west side of her house.

Mrs. Jorden replied yes.

Mrs. Houck asked where the garage would be in relation to this embankment.

Mrs. Ansley replied that she was told that it would be two feet east of this. She has already contacted a contractor and if this appeal is approved, he would put in a 16 foot garage. She would have just enough space for her cars.

Mr. Saul Leonard, 2021 West Kalamazoo, spoke in opposition to this appeal. His major concern is that 24 inches is not enough room for someone to walk on this side of the subject property. This would

create a problem because they would then have to use his property which in turn could lead to adverse possession. Because if a person knowingly and willingly lets another person use his property then the other person could own this property after a certain amount of years.

Mr. Kelley asked how far his house was from the subject house.

Mr. Leonard replied that he didn't know.

Mrs. Ansley stated that the contractor told her that he would not need to go on the neighbor's property.

Mr. Leonard stated that he is only concerned with his property and not the proposed garage.

Mrs. Houck asked Mr. Kelley if there would be adverse possession if Mrs. Ansley occasionally walked on her neighbor's property.

Mrs. Ansley stated that she would have no need to walk on his property.

Mr. Kelley questioned Mr. Leonard to determine how far his house was from his property line and the proposed garage.

Mrs. Houck then asked for the slides to be able to visualize the situation. She then asked Mr. Leonard to point out on the slide how his house was situated to the subject property.

Mr. Gafner asked if she was going to match the present architecture of the house.

Mrs. Ansley replied yes.

Mrs. Houck stated that Mr. Leonard's house is approximately 40 feet from the subject property.

Mrs. Houck then entered a letter into the minutes from Mrs. Clara Brubaker who stated that she is in opposition to this variance. Also the occupant at 514 Verlinden Avenue is in opposition to this variance.

Mr. Kelley asked where Mrs. Brubaker was located.

Mrs. Houck replied that she lives on the corner of Lenawee and Verlinden.

Mrs. Jorden returned to get clarification as to the number of neighbors that would have to speak in opposition to an appeal before the variance would not be granted.

Mrs. Houck explained that there was no set number, the Board takes into consideration all interests and tries to rule in the best interest of all concerned.

Motion by Rendon supported by Trierweiler that appeal No. 1905 be granted under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence, the following:

Field inspection reveals that the dwelling on the site also includes an attached garage on the westerly side, said garage is 12.4 feet in width, with a 10 foot concrete drive approach. The applicant proposes to add on an additional 5.2 feet making a garage of 17.4 feet. This is not considered more than a 1½ car garage and would not provide adequate room for two full size automobiles, however, there is a possibility of a full size automobile and a compact car being stored.

The foregoing described existing situation and the potential use of the proposed garage. The following describes its relationship to the adjacent property.

The dwelling adjacent to the west is located at the intersection of two streets, on an irregular shaped lot, with its frontage oriented away from the addition under consideration. The distance between the existing dwellings is approximately 40 feet, providing more than adequate distance for sufficient light, air and view. With the proposed addition this distance will be reduced by 5 feet.

Approaching the situation from a hardship point of view, one can only relate to the existing garage and its inadequacy as it relates to family needs. This cannot be totally ignored, since trends have changed in relation to the number of automobiles per family.

Aesthetically, it would seem to be more pleasing as it would provide additional inside storage without encroaching on adjacent residential properties.

Based on the above, the Board does not believe the change will seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

Mr. Leonard then wanted clarification as to what procedures he could take for further consideration of this matter.

Mr. Novakoski asked why he wanted to pursue this matter.

Mr. Leonard stated for the reasons he stated earlier.

Mr. Kelley stated that he would have to petition to the Circuit Court.

Mr. Fountain stated that he would have to petition to the Circuit Court within 30 days.

No. 1906

Mr. Peter Spadafore was present to speak on behalf of Virginia Spadafore's appeal to erect a four story office and retail structure upon property located at 2018, 2020, and 2024 East Michigan Avenue. The property under consideration presently has a two-story commercial structure. This request is contrary to Section 36-50(1)

of the Zoning Code which limits the maximum height in the "F-1" commercial district to thirty-five feet or two and one-half stories. The applicant is requesting a variance of five (5) feet.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Foulds stated that the subject property lies within the Model Cities Area No. C., and they are presently waiting for the Physical Task Force to meet and to give their recommendation on the proposed development.

Mr. Gaus asked about the parking situation.

Mr. Foulds replied that there is a small parking lot, approximately 4 metered parking spaces in the rear of the building and there is also a city parking lot across the street.

Mr. Gaus asked if this was adequate to serve a four story commercial building.

Mr. Foulds replied that the Parking Division of the City of Lansing stated that the metered parking was utilized 50% of the time. The lot across the street was used approximately 25% of the time between the hours of 8 a.m. to 5 p.m.

Mr. Peter Spadafore stated that he would be handling the project. They are asking for a variance change to build a four story building above the grade. It would be utilized for retail on the bottom and 3 stories would be professional. The parking facilities, in his opinion, are adequate. They do have plans to negotiate purchase of homes in the area for prospective employees if the need arises. They were waiting for the decision of the Board.

Mrs. Houck asked how many offices would be in the building.

Mr. Spadafore replied that they didn't know at this time. But it might entail 25 to 20 employees, which would be there only in the daytime hours. Most of the parking is utilized at night.

Mr. Rendon asked how they were going to build this structure.

Mr. Spadafore replied that they will tear down the existing buildings and erect a new structure. They would like to build something like the Commerce Center.

Mr. Spadafore stated that it would not be financially feasible to erect only a two story structure or to remodel the old structure, based upon the amount of revenue that they might be able to receive it would not be a very good investment. Without the variance the building would have to stay as it is.

Mr. Trierweiler asked if the need for parking arose, would they be able to negotiate for more space.

Mr. Spadafore stated that they would not proceed if they see that there will be a parking problem. However, if the problem arises they are sure that they can solve it. They also have a home across the street.

Mr. Kelley asked where this house was located.

Mr. Spadafore replied that it was on Michigan Avenue on the southeast corner of Fairview and Michigan Avenue.

Mrs. Houck entered a letter into the minutes from Mrs. Ronald Blassen that stated their concern with the parking situation. Therefore, they are opposed to this proposed structure.

Motion by Trierweiler supported by Taylor that appeal No. 1906 be granted under Section 36-12(7) of the Zoning Code.

Mr. Gaus asked about the referral of this matter to the Model Cities Planning Agency, and what recommendation was made.

Mr. Foulds replied that it had been referred to the Model Cities agency and that they were awaiting their recommendation. He suggested that the Board table the matter until they receive their recommendation.

Motion by Gaus supported by Kelley that appeal No. 1906 be tabled.

Mr. Kelley stated his concern for the parking situation if this building were replaced by a larger structure.

Mr. Trierweiler stated that Mr. Spadafore referred to the fact that they can obtain extra land for parking.

Mr. Kelley stated that if they grant it, they should make provisions for the extra parking needed.

Mr. Novakoski stated that they should stipulate as to the parking arrangements.

Mr. Gaus stated that they would not have to provide additional parking once the building is constructed.

Mr. Fountain stated that the building is located in the "F-1" commercial district and as such there are no provisions for parking. If it was zoned "D-1" office he would have to provide off-street parking. Mr. Fountain stated that this is of major concern. He further stated that during the development of this area there were no parking provisions, until the need became so great the City had to develop parking facilities.

Mr. Gaus asked when the Model Cities Task Force meets.

Mr. Fountain stated that he didn't know the exact date, but they were able to submit this proposed development soon enough for the January meeting.

Mr. Trierweiler asked what the Model Cities Board takes into consideration.

Mr. Foulds replied that they consider the surrounding land use and their proposed plans for the area and they submit their plans to the people in the neighborhood.

The Board found, based on testimony and evidence, that further clarification was needed regarding parking, and a report from Model Cities.

Motion carried unanimously.

#### No. 1907

Mr. Michael Knipfer was present to speak on behalf of his appeal to allow an existing garage to remain in the rear yard which occupies over 30% of the required rear yard upon premises known as 638 North Hayford Street. This is contrary to Section 36-54(2) (e) of the Zoning Code which does not allow an accessory building to occupy over 30% of the required rear yard. The allowable rear yard coverage in this instance is 352.5 square feet according to the Zoning Code. The existing garage exceeds this requirement by 76 square feet.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Michael Knipfer, 638 N. Hayford, stated that the reason the garage was in violation was that they didn't know the requirements. They built the garage too big for the area. They wanted to have a straight alignment into the garage instead of a 90 degree turn.

Mrs. Houck asked if he was advised of the regulations when he applied for a building permit.

Mr. Knipfer replied that he didn't get a building permit.

Mrs. Houck asked if he is now aware that to do any building he must apply for a permit.

Mr. Knipfer replied that he was.

Mr. Gaus asked how far his garage was from his house.

Mr. Fountain replied that it was about 45 feet.

Mr. Gaus asked how this could take up 30% of the rear yard.

Mr. Knipfer stated that the garage is 6 feet off the back fence and it should have been 9 feet. When he called the Building Department they told him that the requirement was 3 feet from the rear yard if it didn't have a fire wall. He built it 6 feet to make sure he was within the code. He used 76 square feet too much of the required rear yard.

Mr. Gafner asked if there were any neighbors in opposition to this appeal.

Mr. Knipfer replied he didn't know of any.

Mr. Kenneth Ingersoll, 629 Hayford, spoke and stated that he sold the house to Mr. Knipper on a land contract. He is in favor of the proposed structure. It enhances the property and his own also. They did have a survey made prior to the construction to make sure that Mr. Knipfer moved back the required amount of feet from their common property line, but evidently they had overlooked some important details.

Motion by Gaus supported by Kelley that appeal No. 1907 be granted under Section 36-12(6) of the Zoning Code.

The Board found, based on testimony and evidence, that the garage was erected without proper building permits, the encroachment is very minor and to require a shift toward the front yard could cause difficulties when attempting to gain access into the garage. The Board could not find where the encroachment has any serious affect on the adjoining property or the general welfare.

Motion carried unanimously.

#### No. 1908

Larry Boettcher was present to speak on behalf of his appeal to erect a detached garage to within 50 feet of the front property lines, upon the premises known as 2525 Linlawn. This is contrary to Section 36-21(4) of the Zoning Ordinance which requires that accessory buildings, including detached garages, be located not less than 60 feet from the front lot line.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Trierweiler asked who the garage would be for.

Mr. Fountain replied only for the south-erly portion of the two-family unit.

Larry Boettcher, 5717 Orchard Court, stated that he owns the duplex at 2525 Linlawn at which he would like to erect a garage.

Mrs. Houck asked if he intended to build a garage on the other side of the duplex as well.

Mr. Boettcher replied no, there is not room.

Mrs. Houck asked if the proposed garage will be a two-car garage.

Mr. Boettcher replied that it would be a car and one-half.

Mrs. Houck asked how many families live in the duplex.

Mr. Boettcher replied two.

Mr. Harold Easterbrook, 851 East Greenlawn, spoke and he wanted to know if the garage would actually be used for the tenant's car or for his equipment.

Mr. Boettcher replied that it will be in two sections inside. He will use one section for lawn equipment, and he will rent out the other side to one of the tenants.

Mrs. Houck asked what the neighbor was talking about when he asked about storing equipment for his business.

Mr. Boettcher replied that he is in the construction business.

Mr. Trierweiler asked if he lived at this address.

Mr. Boettcher replied that he did not.

Mr. Kelley asked if any part of this garage would be used for storage of his equipment.

Mr. Boettcher replied that he might have a few items in it, but they would be inside. Items such as saws and anything that he would not have on the job.

Mr. Kelley asked if he would have any heavy equipment in this garage.

Mr. Boettcher replied no, he would have that with him.

Mr. Kelley asked if he would limit the use of the garage to the tenants.

Mr. Boettcher replied that he would like to put some of his contracting items inside.

Mr. Easterbrook stated that all along the one side of Mr. Boettcher's property there are a lot of bricks and other things that they want to have cleaned up.

Mrs. Houck entered into the minutes that Mr. Richard Miller, 839 East Greenlaw, telephoned the Planning Department stating that he was opposed to this appeal.

Mr. Charles Hervey, 850 Lincoln, spoke in opposition to this appeal. He questioned why Mr. Boettcher who is a builder, erected his garage in violation of the Zoning code. Why didn't he get a building permit.

Mrs. Houck stated that he does have to have a building permit, but he wants to build it closer than the minimum of the code, therefore, he must appeal to this board to get a variance. The Board will then decide what is in the best interest of all the parties involved.

Mr. Harvey asked why he was allowed to start construction.

Mr. Boettcher stated that he has poured the cement slab, but he didn't need a permit to do that. He has not put up any walls.

Discussion followed on whether Mr. Boettcher needed to have a footing inspection. It was decided that the garage was small enough so that it would not require footings, so stated by Mr. Church of the Building Department.

Mrs. Houck asked if Mr. Boettcher had gotten a building permit before the cement slab was poured.

Mr. Boettcher, replied that he had poured the cement slab in the morning and applied for the permit that same day. He had called the Building Department before he had poured the slab, he asked about all the requirements except how far from the front property line he had to be. He didn't know there was any such requirement.

Mr. Eric Olsen, 838 East Greelawn, spoke in opposition to this appeal. He wanted to know about the parking situation once the garage is built.

Mr. Boettcher replied that this is a double drive with the property line coming down the middle of the double driveway. The garage will be built 5 feet from the property line between the two buildings and will be 9 feet from the duplex.

Mrs. Houck asked if he owned both of the duplexes on the double drive.

Mr. Boettcher replied yes.

Mr. Olsen replied that there are usually several cars and he was concerned with the parking.

Mr. Kelley asked if he could build it back.

Mr. Boettcher replied that he could, he would have to add on to the slab he had poured. However, he feels that it would be a detriment to the back yard.

Mrs. Houck asked if he had checked the requirements before he proceeded to build the garage.

Mr. Boettcher replied that he had, all the requirements except the front yard setback.

Mr. Olsen stated that he was not opposed to a garage if it was built solely for the use of the duplex occupants. But, he is opposed if it is used to store construction equipment.

Mr. Trierweiler asked why he would use this garage for storage if he doesn't live there.

Mr. Boettcher replied that he lives about 1 mile from this location. He lives at a six unit apartment complex and it would be impossible to build a garage there.

Mr. Trierweiler stated that if the building was used to service the duplex it was

fine, but he doesn't see the hardship if the garage is used for the construction business.

Mrs. Houck asked where he stores his equipment now.

Mr. Boettcher stated that he has a trailer on the construction site and an enclosed camper but he wanted somewhere that was safer and not so easy to break into.

Mr. Boettcher returned to ask why he was questioned as to what he was going to put in the proposed garage, according to what he was appealing for, it was not what he was going to put into the garage, but the fact that he had built it 9 feet too close to the front property line.

Mrs. Houck replied that the neighbors have the right to know if the proposed structure will actually be used for garage purposes.

Mr. Fountain stated that the zoning district, C-2 family district will regulate the use of the garage. It will be up to the Building Inspectors office to inspect the use of the garage so that it will be in compliance with the zoning code.

Mr. Church stated that it would be a zoning violation to store equipment in the garage.

Mr. Boettcher asked what was meant by equipment.

Mr. Church stated anything that was not used at the location and something that was used in another occupation which was not being pursued by a member on the property.

Mr. Boettcher stated that he is a carpenter, if he had hammers or saws stored would this be a violation.

Mr. Church asked if he would be living on the property.

Mr. Boettcher stated no, but that he would still need those particular tools in order to maintain the property.

Mr. Kelley stated that it does have a bearing as to what purpose he is going to use the proposed structure.

Mr. Boettcher stated that he was wondering why it came up because if he had built the garage 60 feet back, none of this would have been brought out.

Mr. Church then stated that the C-2 family district allows one private garage. Private garage means that it is used by the occupants on the property.

Mr. Boettcher asked about a maintenance garage.

Mr. Church stated that it would have to go under an H light industrial zoning.

Mrs. Houck stated that the rest of the section that governs use of accessory build-

ing states: "(Sec. 36-21.4) All such garages or subordinate structures shall be erected and maintained only as accessories to the dwelling situated on the same lot or grounds, and shall not involve the conduct of a business."

Mr. Church stated that he could keep items such as garden equipment in the garage.

Mr. Boettcher stated that he could keep items that related to the maintenance of the building.

Mr. Church stated that it would have to be for that property.

Motion by Kelley supported by Novakoski that appeal No. 1908 be granted under Section 36-12(6) of the Zoning Code.

Mr. Trierweiler discussed a possible stipulation regarding storage but it was decided that this is already taken care of by the Zoning Code.

Mr. Fountain stated that the neighbors can file a complaint if he uses the garage for improper storage.

Mr. Kelley stated that Mr. Boettcher should be advised of the regulations regarding storage of equipment.

Mr. Taylor stated that he doubted that Mr. Boettcher was erecting the garage for the use of any of the occupants in this structure.

Mr. Novakoski withdrew his support of the motion to grant the appeal.

Mr. Rendon supported the motion to grant the appeal as made by Mr. Kelley.

The Board found, based on testimony and evidence, that the minimum requirements of the code allowed reasonable use of the property and that there was not a defined hardship in this case, but rather a convenience to the applicant.

The vote is as follows:

Yeas: Gaus, Rendon, Trierweiler.

Nays: Taylor, Kelley, Gafner, Novakoski, Houck.

The appeal is denied. The concurring vote of six members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter (36-12 of the Zoning Ordinance) or to effect any variation in this chapter.

#### No. 1909

Mr. Ron Hohenstein was present to speak on behalf of the Board of Water and

Light's appeal to drill a municipal water well and operate pumping equipment upon property located in the 3500 block of East Jolly Road. This is contrary to Section 36-17 of the Zoning Code which does not permit the operation of a water well in an A one-family district. The Board of Appeals may, however, permit the use of the premises for public utility purposes.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Hohenstein stated that this is a site for a future water well, possibly some two years from now. This is part of the Board of Water and Light's plan for future water well sites. The city now operates about 146 wells. This installation will only have a control cabinet with all the pumping equipment down in the well so there will be no noise.

Motion by Taylor supported by Trierweiler that appeal No. 1909 be granted under Section 36-12(4) of the Zoning Code, subject to a landscape plan being submitted and approved by the Planning Department at the time of development.

The Board found based on testimony and evidence, that the location of the well will be separated from existing and potential development of the area, and would therefore have no adverse affect of adjacent property. The Board further suggests that the Board of Water and Light consider the project R.O.W. width of 120 feet for Jolly Road with actual placement of the well.

Motion carried unanimously.

#### No. 1910

Mr. Jack Peltier was present to speak on behalf of his appeal to construct a garage which would encroach in the required 25 foot front yard in the A residential zoning district upon the premises known as 3214 Amhurst. This is contrary to Section 36-44(4) of the Zoning Code which requires a front yard of 25 feet in the A residential district. Since the lot is irregular in shape, the applicant is requesting a three foot variance on one corner of the garage and a 3 inch variance on the other corner.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Kelley asked for clarification of which variance was asked for which corner of the garage.

Mr. Fountain explained the variance request using a photo slide of the property.

Mr. Peltier, 3214 Amhurst, stated that he had already had one variance granted at the October meeting of the Board. They were issued a building permit and then when the Building Inspector came out to look at the property, he told them that

they had to be 25 feet from the sidewalk. He feels that they should have told them this before. The road runs on an angle towards his house, therefore, there is a difference in the variance.

Mr. Gaus asked whether the building permit had been issued before they started construction.

Mr. Peltier replied yes.

Mr. Gaus asked if the building permit was issued based on the plans they had submitted.

Mr. Peltier replied the plan was drawn as the garage coming out four feet in front of the house and the building permit was issued on that basis.

Mr. Gaus asked whether there had been any change when he built it.

Mr. Church asked whether it was a detailed plan he submitted.

Mr. Peltier replied yes. He stated that his wife drew it up the same day she applied for the building permit, it should be included with the building permit.

Mrs. Houck asked if the measurements appeared on the plans submitted to the Building Department.

Mrs. Peltier replied that when she applied for a building permit she told them that they were planning on building four feet in front of the house. The Building Department told them that as long as they didn't come out any further than any of the other houses on the street they would be all right. She didn't know anything about a 25 foot setback. They were building a porch out in front and wanted to be able to walk into the garage from the porch. When the building inspector was at the property he found the front yard encroachment and when he called the Building Department, they stated that they knew they were going to build four feet in front of the house. The building inspector also asked the department if they knew that they were building too close to the sidewalk, the department replied that they didn't know of the encroachment.

Mrs. Houck asked if it was indicated on the plans that they would be building 22 feet from the sidewalk.

Mr. Peltier replied yes. She stated that they used the plans that they had drawn up for the other variance request. When she applied for the building permit the person who issued the building permit drew it on the plan that they would be 4 feet in front of the house.

Mrs. Houck asked if he indicated they would be 22 feet from the sidewalk.

Mr. Peltier replied that it was on the plans which were in the file for the side yard variance. She stated that all they

need is three feet on one corner, they have already spent a great deal of money and it would be hard for them to move it.

Mr. Gaus asked when the building permit was issued.

Mrs. Peltier replied that it was just after the meeting when their side yard variance was granted.

Mr. Gaus asked when the building inspector came out.

Mrs. Peltier replied that it was just after the footings were poured.

Mr. Gaus asked whether they called for him to come out and inspect it.

Mrs. Pelties replied yes.

Mr. Gaus asked whether this was about in the middel of November.

Mrs. Peltier replied yes, and that this was too late for them to be able to get on the agenda for the December meeting.

Motion by Trierweiler supported by Gafner that appeal No. 1910 be granted under Section 36-12(6) of the Zoning Code.

The Board found, based on testimony and evidence, that the change would not seriously affect any adjoining property or the general welfare, and that the conditions on which the building permit was issued was in error.

Motion carried unanimously.

#### No. 1911

Mr. Charles Opyde was present to speak on behalf of the Lansing Teachers Credit Union, to allow two (2) 2 x 8 feet signs to remain in the required front yard, upon the premises known as 4316 S. Pennsylvania Avenue. This is contrary to Section 36-31 of the Zoning Ordinance in the following particulars: Section 36-31 allows only one sign attached to the building.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Charles Opyde, 1616 W. Genesee Drive, is with the firm of Mason, Jackson and Kane who designed the building and he is representing the Teachers Credit Union. The building is located at Pennsylvania and Canavanaugh which are two primary roads. There are two entrance drives and the signs are located so as to identify the building and the entrance drives. He feels that the design is in keeping with the neighborhood and the construction. The signs are constructed out of brick and steel and have a foundation which is three feet 6 inches below grade. The height of the sign is two feet.

Mr. Thomas Lesnieski of the Lansing Municipal Credit Union spoke in favor of this appeal. The Lansing Municipal Credit

Union is presently constructing a building at 4510 S. Pennsylvania Avenue for relocation of its office, which is presently located next to the subject property. If they had known about this appeal, they would like to have joined in a request for a variance for their proposed sign which they intend to erect in front of their building.

Mrs. Houck stated that they would have to have a separate appeal for their proposed sign.

Mr. Lesnieski stated that they are very much in favor of the variance because they would like to build a sign of their own.

Motion by Taylor supported by Gaus that appeal No. 1911 be granted under Section 36-12(7) of the Zoning Code.

The Board found, based on testimony and evidence, the following:

Field inspection reveals that there are two identification signs erected to identify the Credit Union, one of which is located at the north entrance of Cavanaugh Road. The other of which is located south of the building off Pennsylvania Avenue. In either case the signs do not appear to detract from the character of the area.

In regard to the variation requested, it could be determined that an unusual practical difficult exists. This is especially true when relating the standards of the Zoning Ordinance, which in this case date years back, and the changing conditions of office development. The changing conditions could be further related to the standards in the more recent proposed ordinance for the City of Lansing, which would allow a larger sign than presently erected, however, the proposed ordinance will require a minimum setback.

The Board does not believe the existing signs are detrimental to the area, and that the location and size are in keeping with the general intent of the Zoning Code.

Further, any illumination shall be designed and constructed so as to concentrate the illumination upon the area of the sign, and prevent glare upon the street or adjacent property.

Motion carried unanimously.

Motion by Trierweiler supported by Kelley that the December 9, 1971 minutes be approved.

Motion carried unanimously.

Meeting adjourned at 9:20 P.M.

Respectfully submitted,

RAYMOND C. GUERNSEY,  
Secretary,  
Lansing Board of Zoning  
Appeals

N.M.

regarding their increasing requests for Planning Department involvement in projects, yet budget plans are to freeze vacancies on the staff. Resultant of that meeting he had prepared a chart reviewing the past history of major projects the department had been instrumental in bringing to a conclusion, present projects the staff is involved in, staff allotments and vacancies, and finally projects which need more manpower than can be supplied. This presentation will be taken before the City Council.

Mr. Remick commended Mr. Guernsey for the presentation.

#### Budget Comments

Mayor Graves requested that the budget be cut. In the review of personnel needed to take on the projects presented, Mr. Guernsey stated that the requested cut is

not feasible. A decision will have to be made by the Mayor and City Council concerning the projects they want accomplished.

#### OTHER COMMUNICATIONS

##### Lake Lansing Road Extension

Chairman Black noted that a communication had been received from residents of Creston Avenue, Howe Avenue, Jackson Street, and Turner Street opposing the extension of Chilson Street.

ADJOURNMENT: 9:35.

**RAYMOND C. GUERNSEY,**  
Secretary  
Lansing Planning Board

## OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, March 9, 1972**

The meeting was called to order at 7:30 P.M. by Chairman Houck.

#### ROLL CALL

Present: Rendon, Gafner, Novakoski, Houck, Gaus, Trierweiler.

Late: Taylor arrived at 7:35 P.M.—five minutes late.

Absent: Kelley.

#### HEARINGS

No. 1912

Mr. Dick Neller was present to speak on behalf of appeal No. 1912 for Dean investment Associates requesting to modify the zoning ordinance to permit the construction of a Townhouse and Office Building which will extend 2 ft. 4 in. into the required front yard, upon the premises known as 727 North Capitol Avenue. This is contrary to Section 36-48 (4) of the Zoning Ordinance in the following par-

ticulars: Section 36-48 (4) requires a front yard of 9 feet as established by 40% of the frontage between intersecting streets.

A slide presentation was given by Mr. James Foulds of the Planning Department, showing the subject property and the surrounding land use.

Mrs. Houck requested Mr. Neller to show just where the structure would be; also, where the stairway and railing would be.

Mr. Neller had additional statements to make concerning structure on the property. He presented plans of the property to Board Members to clarify the request.

Mr. Neller informed Board Members the railing around the stairwell is designed as a brick wall rather than a wrought iron railing, as was shown on the existing building.

Mrs. Houck asked if there were any questions by the Board that they wanted to ask of Mr. Neller.

Two letters were read by Mrs. Houck to be entered into the minutes.

**Re:** March 9, 7:30 meeting. "Gentlemen, I will not be able to attend the March 9, 7:30 P.M. meeting, regarding Dean Investment Association petition on the reduction of the front property at 727 North Capitol, wanted to go on record as opposing the change." "Please use this letter as a protest." Signed Dorothy E. Schneider.

Second letter of protest was from Ada Machiu Reid.

Mr. Richard Neller had additional comments concerning parking areas. He stated that The Dean Apartment tenants might object to loosing some of their open space, but he stated that there would be a very attractive enclosed court yard for their enjoyment, as well as the people in the new building.

Mrs. Houck asked about the parking for the new building.

Mr. Neller stated the parking would be greatly improved.

Mrs. Houck asked if there would be two parking spaces per apartment unit?

Mr. Fountain indicated that the ordinance required 1 space per unit in the "E" apartment district.

Mr. Neller stated that presently there is no paved parking areas, just dirt parking lots.

Mrs. Houck questioned car ports on the property.

Mr. Neller stated that existing car ports would be removed, and parking provided for both buildings.

Mrs. Houck asked if anyone else wanted to speak for this appeal, or if anyone was in opposition to this appeal.

Motion by Gaus supported by Taylor that appeal No. 1912 be approved under Section 36-12 (6) of the Zoning Code.

The Board found based on testimony and evidence that the variation related to a stair well enclosure only, and that it would not contribute to over development of the property. The Board could not find where the change would seriously affect any adjoining property or the general welfare, and would be in keeping with the general intent of the Zoning Code.

Motion carried unanimously.

#### No. 1913

This is a request by the Lansing Municipal Credit Union to erect a free standing, internally illuminated, anodized, and plexiglass sign on an anodized base. Total height to be approximately 6 ft. 0 in. Sign face area to be a maximum of 15 square feet on each of 2 faces. Upon the premises known as 4510 South Pennsylvania.

This is contrary to Section 36-31 of the

Zoning Code in the following particulars: The permitted sign may not exceed 6 square feet in size and must be attached to the building.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Thomas Lesnieski spoke on behalf of the Lansing Municipal Credit Union, re: free standing sign. (He is treasurer and Manager of the Credit Union). He stated that a letter to the Board indicated the speed limit on Pennsylvania Avenue is 45 miles per hour, therefore distant identification is necessary.

Mrs. Houck asked Board Members if there were any questions.

Mr. Gaus asked how this sign would compare to the one at the Lansing Teacher's Credit Union.

Mr. Lesnieski stated that the Lansing Teachers' is roughly 12 to 18 inches above the ground and probably doesn't extend more than 3 feet above the ground. Where his sign since he is approaching it from the north and since there is a hill and the sign would have to be at eye level would elevate the sign up to 8 feet, and would be a plexiglass sign.

Mrs. Houck asked how the sign would be lighted.

Mr. Lesnieski replied that it would be internal light and not flashing.

Mr. Novakoski asked about the set-back of the sign.

Mr. Lesnieski said that the set-back would be wherever the Board decided it should be, provisions can be made to bring the wires to that area.

Mrs. Houck stated that the plans show the sign to be 15 feet back.

Mr. Lesnieski stated that the sign would be set back at the distance of whatever the Board ruled.

Mrs. Houck asked for further questions. There were none.

Motion by Trierweiler supported by Gaus that appeal No. 1913 be approved, under Section 36-12 (7) of the Zoning Code.

The Board found based on testimony and evidence that the type and size of sign would not seriously affect any adjoining property, and that it could be determined that an unusual practical difficulty exists. This is especially true when relating the standards of the Zoning Ordinance, (which in this case dates years back) and the changing conditions could be further related to the standards in the most recent proposed ordinance for the City of Lansing; which would allow a larger sign than requested, with minimum set-backs.

Motion carried unanimously.

## No. 1914

This is a request by Frederick J. and Antoinette Wellman to reduce the required side yard to 2.75 feet upon the premises known as 2307 Bolley Drive. This is contrary to Section 36-44 (3) of the Zoning Ordinance which requires a side yard of not less than 10% of the width of the lot, or 6 feet in this case. The applicant intends to construct a large (16 feet by 31.67 feet) garage addition to the existing dwelling.

Mrs. Houck asked if Mr. Wellman had anything to add to his appeal.

Mr. Fountain stated that property in question measures 60 feet by 123 feet and contains 7,380 square feet. The Staff presented slide pictures for review.

Mrs. Houck questioned Mr. Wellman on distance of driveway to edge of property line.

Mr. Wellman estimated distance from edge of driveway to property line about 5½ feet.

Mrs. Houck asked if there was anything more that Mr. Wellman wanted to add to his appeal.

Mr. Wellman stated that he has a 10 foot driveway that is currently 3 feet from his house. He stated that if he would add on to what the zoning required it would look out of balance from the house, the drive would be on the very end of the garage. Mr. Wellman produced a picture and plan that he presented to the Board

Mrs. Houck asked Mr. Wellman if this was to be a one car garage.

Mr. Wellman answered that it would be a one car garage and that he was making it a little longer so that he will have room for storage in the back.

Mrs. Houck wanted to know how far back the garage would go beyond the house.

Mr. Wellman stated four feet.

Mrs. Houck asked about the slope in back of the house.

Mr. Wellman estimated the slope to be about 10 feet back of the house.

Mrs. Houck asked if the Board had any questions.

Mr. Taylor asked about the neighbors adjacent to the north concerning the closeness of the garage to them, and if there were any comments to this effect.

Mr. Wellman stated that no comment was made, except to say that the side was a better place to put it than in the backyard. There are not fences in the back and the garage would stick out like a sore thumb, plus none of the other lots have garages in

the back, they are all up front and attached.

No one appeared in opposition.

Motion by Taylor supported by Trierweiler that appeal No. 1914 be approved.

The Board found based on testimony and evidence that, the character of the developed area would be retained by allowing an attached garage as proposed, and there was no evidence that the change would seriously affect any adjoining property.

Mrs. Houck stated that the reason that Mr. Wellman wanted the garage on the side is so that it will line up with his present driveway.

Mrs. Houck stated that she had been in the neighborhood and went in the backyard of Mr. Wellman's house and said that it appeared to her that the garage could be put in the back.

Mr. Trierweiler stated that Mr. Wellman said that he could build the garage in the backyard, but there is no one in his neighborhood that does.

Mrs. Houck clarified with the Board that Mr. Wellman thought the garage would look better attached than detached.

Motion carried by the following vote:

Yea: Trierweiler, Rendon, Taylor, Gafner, Houck, Gaus.

Nays: Novakoski.

The appeal is granted under Section 36-12 (6) of the Zoning Code.

## No. 1915

This is a request by Don Morton to allow the construction of two duplexes within 25 feet of the front property line on lots 71 and 72 of Supervisors Plant No. 3.

This is contrary to Section 36-45 (4) of the Zoning Code in that a set-back of 42 feet 4 inches is required by 40% of the developed frontage on the west side of Orchard Court.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Morton spoke on behalf of this request. He stated that in order to use the corner he would have to have a variance, otherwise the lot couldn't be used. This would make a much nicer looking job and more frontage to each lot. The houses would face a much better view.

Mrs. Houck asked if the Board Members had any questions they wanted to ask Mr. Morton.

Mr. Novakoski asked where the parking would be.

Mr. Morton said that it would be in the back on one of them, and one of them would be on the side on the corner lot.

Mr. Gaus asked if the two lots would be split facing Orchard Court, so they could be different sizes.

Mr. Morton replied yes, and presented a drawing to the Board.

Mr. Morton indicated the corner lot would be about 75 feet.

Motion by Novakoski supported by Gaus that Appeal No. 1915 be approved.

The Board found based on testimony and evidence that, the variation would promote better development of the property, and would not have any serious affect on any adjacent development. This consideration was based on the proposal by Mr. Morton to divide the lots in an east-west direction.

Motion carried unanimously.

#### No. 1916

This is a request by Evelyn L. Jarvis to restore a fire damaged four unit apartment on premises located at 1222 Center Street. This structure has nonconforming status in the "C" two family zoning district.

This request is contrary to Section 36-42 of the Zoning Code which, stipulates that a nonconforming use when damaged to the extent of less than 60% of its assessed value may be restored only upon issuance of a permit by the Board of Zoning Appeals.

Mr. Foulds gave a slide presentation showing the subject property and the surrounding land use.

Mr. Vern Fountain explained the various shots of the building from different directions.

Mrs. Houck wanted to know what side of the building the fire was in.

Mr. Fountain answered that he thought it was in the upper story, but asked Mr. Church for verification.

Mr. Church stated that there was damage in the front, but not nearly so much as was in the rear apartments.

Mr. Dick Taber was present to speak on behalf of Evelyn Jarvis the title holder of record of the property and the owner. Mr. Taber gave layout of surrounding territory, per indication of slides. He stated that area on Center Street has on the west side of Center Street, the American Cleaners, a commercial establishment directly across the street from the building in question. The area surrounding this particular structure is zoned "C-2" and it would appear from the number of apartments on some of the buildings that quite a few of the

surrounding structures are also nonconforming to the "C-2" classification. The building immediately to the south of this building has four apartment units in it.

Mr. Taber stated that it was his understanding that this area is in the Model Cities Program, and that this whole area has been designated as commercial and industrial area. The block is now half commercial and half two family, as initial slide indicated. Mr. Taber stated that what they are asking is to be allowed to restore this building to what it was before and that is a 4-apartment unit building, which he feels is a lesser use than an industrial or commercial use.

Mr. Taber gave a brief history of the building. In 1971 the City through its Building Department had the building marked for one of the buildings that needed things done to it, in the way of wiring and furnace upgrading. There was approximately \$4,000 expended by the owners to do this. At the time of the fire, December of this year, they were approximately \$300.00 or \$400.00 away from completing the entire job that the City Building Department had indicated. The building had been in the area quite a length of time and is an all brick building while the surrounding buildings are primarily frame construction. He pointed out the evaluation of the various lots in the area and their assessments by the City Assessor's Office. Some of the various lots that are much larger in square footage, the evaluation is quite a bit less than the evaluation of the building in question, as placed by the City Assessor's Office. A lot immediately to the south of this building which as a four unit apartment house, double the size of the lot in question, carries an evaluation of approximately \$1700.00 less. The building to the north of it which has double the size of this lot is assessed at \$1800.00, while the building in question is assessed at \$9100.00, and is presently surrounded entirely by "C-2" families, it is a very few feet away from the commercial development as shown on the south side of this particular block, and is also, a few feet away from industrial.

He added that, what was not pointed out on the slides was, that immediately north of this block is "H" light industrial also. The summary was that, on the north side of this particular block is "H" light industrial, on the west side in the next block "H" light industrial, and in the south one half of this block "F-1" commercial.

Mr. Taber stated that it would appear that this particular block is really an island of "C-2" families in a much heavier land use area. His feelings were to restore the building, would be a benefit to the people in the area. Various people in the area have talked to the owner and had no strong objections to the restoration of the building.

Pictures were presented to the Board showing various other buildings in the area, which would show in detail what some of them are.

Mrs. Houck asked if Mr. Taber was aware that the Board Members go out to view the property before the meeting.

Mr. Taber replied that he was.

Mr. Taber asked if it could be possible to have read in the opening session of the hearing, what the Planning Department report was, insofar as the Model Cities proposal and what they had proposed to this area.

Mr. Vern Fountain stated that the matter was referred to the Model City Board and that they had not reported on the matter. That there is a meeting scheduled next week and this would be taken before their Task Force.

Mr. Taber asked if the Planning Department had made a recommendation as to this particular parcel.

Mr. Fountain answered that the Planning Department had.

Mr. Taber asked if there was any part of that recommendation which deals with the Model Cities Area and what it has planned for this particular area.

Mr. Fountain answered that it is generalized on the map which would indicate industrial and commercial uses in this area.

Mr. Taber stated further that he didn't really feel that to restore the building to its present condition, rather than having it torn down or leaving it in a state of disrepair, boarded up or whatever, would materially affect the Model Cities in their effect to make this commercial and light industrial. He didn't feel that this would hinder them at all their operation within the Model City Program.

Mr. Fountain stated that it did state in the report what Model City has projected for the area, which is industrial and commercial.

Mr. Novakoski asked to what extent the building was damaged by fire.

Mr. Taber stated that his figures indicate that something just under \$4,000.00, worth of damage was done to the building.

Mrs. Houck asked what percent that was of the value of the building.

Mr. Taber replied about 25%.

Mr. Gaus asked how long had it been used as a four-unit apartment building.

Mr. Taber stated that it is his understanding that it had been used as that for over 70 years. He stated that at one point there were apartments in the rear and a restaurant in the front, and at another point in time there was an office in the front and apartments in the rear. It is with his understanding that there has always been apartments in the rear of this building.

Mrs. Houck asked how large the building is and how much vacant land there is. She also asked where the parking would be for these apartments.

Mr. Taber stated that there is parking along the side, and that there is very little parking in this particular area.

Mrs. Houck wanted to know where the tenants in the four apartments would park, if they had two cars per apartment.

Mr. Taber stated that the economic condition of the neighborhood is such that there is none over there with two cars per apartment, that he is sure of that.

Mr. Rendon asked what would happen to the building, if the appeal would be denied.

Mr. Taber stated that would be left the way it is.

Mrs. Houck asked what other use could be made of the building besides apartments.

Mr. Taber stated a duplex. An apartment up and one down.

Mr. Church stated that it could be repaired for a two family.

Mr. Church stated it cannot be used for a four-unit, because of its nonconforming status, that's why they are here before the Board.

Mr. Taber pointed out to the Board that this is not the only nonconforming use in this "C-2" family area, that if the Building Department would check that there are more buildings in the area nonconforming than conforming.

Mr. Taber introduced Jom Vandebunte to the Board to say a few words on behalf of this appeal.

Mr. Vandebunte stated that if the area were zoned industrial or commercial it could be used as a four unit. He stated that four unit apartment buildings were permitted in industrial or commercial Zoning and that this was what the master plan showed in 1980. He stated that as the building sets now, he didn't think it would be possible to convert it to a two unit, that it wouldn't be economically feasible.

No one spoke in opposition of this appeal.

Motion by Gafner supported by Gaus that appeal No. 1916 be denied, under Section 36-12 (7) of the Zoning Code.

The following vote was recorded:

Yea: Houck, Gafner, Gaus, Taylor.

Nays: Novakoski, Rendon, Trierweiler.

The appeal is denied.

The concurring vote of six members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant or any matter upon which it is required to pass under this chapter (36-12 of the Zoning Ordinance) or to effect any variation of this chapter.

The Board found based on testimony and evidence that to encourage continuance of this development would not be in the best interest of the community or the potential occupance of the structure. The site lacks adequate land area for open space and off-street parking. It was further found that the industrial and commercial development in the area did not contribute to a residential living environment. The Board believes that existing terms of the ordinance allows reasonable use of the land.

#### No. 1906

Mrs. Houck asked that a motion he made to remove appeal No. 1906 from the table.

Moved by Gaus supported by Trierweiler that appeal No. 1906 be removed from the table.

Motion carried by unanimous vote.

Mrs. Houck asked if there was anyone present who was interested in this appeal.

No one appeared.

Mr. Trierweiler stated that Model Cities indicated that there wasn't enough parking and that as long as there was going to be the construction of a \$450,000 building, parking should be provided. He stated that he didn't think that parking would be that much of a problem, because there are presently three commercial buildings in that area now with apartment buildings above; and that there had been adequate parking.

Mrs. Houck inquired about Mr. Trierweiler's knowledge of the parking area.

Mr. Trierweiler stated that he lives on the East Side and is familiar with the property, and thinks that bringing a building of this nature to the area would up-grade the property.

Mr. Gaus inquired about the number of parking spaces.

Mr. Fountain explained that public parking behind this property is used at better than 50%; however, the use is being intensified on this piece of property placing

higher demand for parking. There is only one place for excess parking to go, that is on the adjacent residential streets.

A question was raised regarding the property on the southeast corner of Michigan and Fairview.

Mr. Fountain stated that Mr. Spadafore had indicated to him over the phone that he does not care to use the lot on Michigan Avenue, that he feels that the land is too expensive to use for off-street parking. Mr. Spadafore himself does not own this lot.

Mrs. Houck stated that it was the understanding that Mr. Spadafore owned the house in the back on Fairview, and that was the lot he had picked out for parking.

Mr. Fountain stated that this would be going back into the residential area with commercial development.

Mr. Gaus inquired about the report by Model Cities, whether or not there was anything proposed for Michigan Avenue.

Motion by Trierweiler, supported by Gafner that appeal No. 1906 be approved.

The following vote was taken:

Yea: Rendon, Gaus, Gafner, Trierweiler, Novakoski.

Nays: Taylor, Houck.

The appeal is denied.

The concurring vote of six members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant or any matter upon which it is required to pass under this chapter (36-12 of the Zoning Ordinance) or to effect any variation of this chapter.

The Board found based on testimony and evidence that more intense use of the property would place demands for increased parking which could not be made available at this time.

Note: See minutes of Special Meeting, March 14, 1972.

Meeting adjourned at 9:15 P.M.

Respectfully submitted,

RAYMOND C. GUERNSEY,  
Secretary  
Lansing Board of Zoning  
Appeals

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Special Meeting, March 14, 1972**

The meeting was called to order at 5:30 P.M. by Chairman Houck.

## ROLL CALL

Present: Gafner, Gaus, Houck, Novakoski, Trierweiler.

Absent: Kelley, Taylor.

## HEARINGS

It was explained that the purpose of this meeting was to reconsider appeal No. 1906 which was denied by the Board at their meeting of March 9, 1972.

The request from reconsideration was made by Mr. Pete Spadafore.

Mrs. Houck explained to Mr. Guernsey, that the reason that the appeal was tabled at the meeting of March 9th was that they were waiting for an opinion from the Model Cities. She asked, if there was any response at this time.

Mr. Fountain explained, that Model Cities is expected to review this appeal again Thursday night—March 16, 1972.

Mrs. Houck asked, what they are reviewing and what for.

Mr. Fountain answered, that the parking is a critical factor in the situation.

Mrs. Houck asked where Model Cities entered into this case.

Mr. Fountain answered that the site is in the Model Cities area.

Mr. Guernsey stated that City Council has directed that all zoning matters that fall within the Model Cities neighborhood are referred for comment to the Model Cities Policy Board; and that this was done with direction of the City Council.

Mr. Trierweiler asked about future appeals.

Mr. Guernsey answered, in the Model Cities boundary we refer automatically, as the Council directed, to the Model Cities Board for comment.

Mrs. Houck referred to Mr. Trierweiler's previous question, would this be true in the future of all cases that come under Model Cities.

Mr. Guernsey answered, all cases that are in the Model Cities area.

Mr. Trierweiler asked if before they come to the Board, if they can have this review.

Mr. Guernsey answered, that the appeal was forwarded as fast as possible and that it depended on how fast Model Cities Board acted.

Mrs. Houck stated that the request was made way back in January and nothing was done as of now.

Mr. Guernsey stated, that he thought that Model Cities had had a session on this request.

Mr. Fountain stated, that they had, had two sessions on it. He stated that at the last meeting they ended up in a somewhat of a personal debate and ended up tabling the matter.

Mr. Novakoski asked, if they would have anything to say about it, over the decision of this Board.

Mr. Guernsey stated, that their comments would have to be considered by this Board's Advisory. That he didn't believe that they (Model Cities) would have any authority to reverse or modify the Board of Appeals decision.

Mrs. Houck asked, that while they (Model Cities) can't reverse their decision, could they do anything in the Building Department to prohibit getting the permit.

Mr. Guernsey stated, that once the final order is issued and it was affirmed then that order would have to be carried out.

Mrs. Houck stated, that some of them felt at the first meeting that this wasn't true, that they had to have their (Model Cities) opinion before they could act.

Mr. Guernsey replied, that the Council has directed that Board of Appeals refer it to them, so that they can comment to the Board before the Board acts. That was the idea of the directive.

Mr. Fountain stated, that the Board of Zoning Appeals would be acting within five days to change the decision, and that there should be no problem to put it back on the table; and then give the Board the advantage of the Model Cities's report at the next meeting.

Mrs. Houck asked, what time the Model Cities meeting was Thursday night and where.

Mr. Fountain answered, that the meeting was a 7:30 P.M. at the Model Cities Offices, at the City Hall Annex on Michigan Avenue.

Mrs. Houck asked for a motion to reconsider.

Mrs. Houck asked, if Mr. Spadafore owned the house in back of the alley.

Mr. Spadafore answered, no.

Mrs. Houck asked, whether it would be available for use.

Mr. Spadafore answered, yes.

Mrs. Houck asked Mr. Spadafore, if he was interested in buying it for parking.

Mr. Spadafore answered, yes. He stated, that the owner attended the first Board of Appeals meeting and met him (Mr. Spadafore) outside the chambers and agreed that he (the owner) would sell the house at a marketable price. Mr. Spadafore said, that he got the understanding that the bar-owned had the information that the man on Clemens Street would also consider selling his home; which would provide quite a suitable parking lot for employees of the building only.

Mr. Fountain asked, if this would extend the parking through the block adjacent to the existing public lot.

Mr. Spadafore answered, yes.

Mrs. Houck asked, if this would be for the employees or tenants in the building.

Mr. Spadafore answered, yes.

Mr. Spadafore stated, that he had explained to Model Cities that he didn't think that there was any lending institution that would loan him the money to put the building up unless he could provide adequate parking for the tenants.

Mrs. Houck stated, that this was one of the questions that she wished he could have answered last Thursday night.

Mr. Spadafore explained that he neglected to attend the meeting because of a mistake in appointments.

Mrs. Houck asked Mr. Spadafore, when he wanted to start building.

Mr. Spadafore answered, that he really didn't have any time schedule, he wanted to see if he could get his appeal approved, and then spend the necessary funds to get his architect to do design work.

Mrs. Houck asked Mr. Spadafore, why he couldn't build according to the specification of the present zoning.

Mr. Spadafore answered, that it wouldn't allow him enough rental space, that was where the hardship is involved. That he didn't think it was financially feasible for anyone under the existing terms of the ordinance to build.

Mr. Spadafore stated, that he would not attend Thursday night's Model Cities' meeting, that he felt it would be a waste of time.

Mrs. Houck stated, that there a definite commitment by Mr. Spadafore to attend the April 13, 1972, Board of Zoning Appeals meeting.

Mr. Gaus made the motion that appeal No. 1906 be reconsidered.

It was seconded by Mr. Novakoski.

Motion carried unanimously.

Mr. Guernsey stated, that it looked like the Chairman and the Staff both were going to attend the Model Cities meeting, so that they could come back with a report.

Mr. Gaus made the motion that this petition be tabled until the regular April 13, 1972, meeting.

It was supported by Gafner.

Motion carried unanimously.

Motion by Trierweiler supported by Novakoski that the January 13, 1972, minutes be approved.

Motion carried unanimously.

Meeting adjourned at 5:50 P.M.

Respectfully submitted,

RAYMOND C. GUERNSEY,  
Secretary,

Lansing Board of Zoning  
Appeals,

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, April 13, 1972**

The meeting was called to order at 7:30 P.M. by Chairman Houck.

## ROLL CALL

Present: Kelley, Taylor, Gaus, Houck, Trierweiler, Rendon.

Absent: Gafner (excused), Novakoski (excused).

## HEARINGS

### No. 1917

Mr. Ronald L. King was present to speak on behalf of his appeal to enclose a front porch. Total size of the porch is 6 ft. 8 in. x 15 ft. 8 in. The enclosure will leave a front yard dimension of 27 ft. 4 in. The property is located at 923 Johnson. The encroachment contrary to Section 36-45(4) of the Zoning Code in the following particulars: The requirements for a minimum front yard set forth in Section 36-45(4) of the Zoning Code is 32 ft. 5 in. The proposal shows a 27 ft. 4 in. front yard, a variance of 5 ft. 1 in.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the surrounding land use.

Mr. King stated the reason that he wanted to enclose his porch was, because he has two children that like to play on the porch and being that he lives next to a foundry, the dirt collects on the porch. The enclosure would keep the dirt off and also give a type of insulation against the cold weather.

Mrs. Houck asked Mr. King, if he had started work on the porch.

Mr. King replied that he had not.

Mrs. Houck asked if anyone else was appearing for this appeal or in opposition of this appeal.

Mr. Morgan McConnell, 915 Johnson, asked if the existing porch would be glass or wood enclosure.

Mr. King answered that it would be a glass enclosure.

Motion by Kelley seconded by Taylor that appeal No. 1917 be approved, under Section 36-12(6).

The Board found based on testimony and evidence that, the open porch style was characteristic of the area, and that others have been enclosed and made an integral part of the main structure. The Board does not believe the change will seriously affect any of the adjoining properties or the general welfare.

Motion carried unanimously.

### No. 1918

Mr. Cuatt introduced Mr. Bill Jarrett architect from Detroit to speak on behalf of this appeal. This is a request by Michigan Bell Telephone to make a vertical addition to their building located at 221 North Washington. Said addition will be 204 ft. 10 in., which will bring the total height of the building to 276 ft. 0 in. This is contrary to Section 36-53(1) of the Zoning Code in the following particulars: The Zoning Code for the applicable "G" business district limits the building height to 120 feet. The proposed vertical addition will bring the total height of the building to 276 feet, a variance of 156 feet.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the surrounding land use.

The architect representative from Detroit, Mr. Bill Jarrett, presented drawings to the Board of how the structure will look ultimately and how it might look when the first addition is put on.

Mr. Jarrett stated that the appeal is for the ultimate 16-stories, however, the first 2-story addition will take it to only 142 feet. He showed pictures to the Board of what it will look like with the two stories completed.

Mr. Jarrett introduced Mr. Heskes, engineer in charge of construction for Michigan Bell system and Mr. Jim Bury, community relations of the Lansing Bell Project; to answer any questions that the Board might have.

Mr. Jarrett related a few facts regarding the structure. The ultimate height will

be 276 feet and that is the subject of this appeal. The area of the building existing is 182,000 feet and the addition will add an additional 60,000 square feet; if it goes to 16 floors, it will add another 226,000 square feet for a total of 468,000 square feet. The ultimate employment at the 16 floors will be roughly 1,450 people, with this addition it adds an additional 34 people to a present 302 people that are employed there. The schedule that they have in mind is: structural steel will be bid June 1st, construction of structural steel completed in November, balance of building bid in August, completion March, 1974. This corresponds with the schedule of the construction of the Mall on North Washington. The bids on the Mall are April 10, 1972 and will be completed May, 1973.

Mr. Jarrett added that 10 floors will be equipment, (telephone equipment) and 6 floors will be employee offices.

Mr. Kelley asked about the number of people employed.

Mr. Jarrett replied that there would be at the end of the immediate addition 336 people employed there. He stated that the first phase is mostly equipment floors and the remaining phase will be central office space.

Mr. Kelley asked about the parking requirement.

Mr. Jarrett stated that the Bell System is aware of the parking, and that it will be met.

Mr. Gaus asked how the height of this structure compared with the Capitol, Olds Plaza or the Bank of Lansing.

Mr. Heskes stated that he thought the spiral on the Capitol was higher.

Mr. Vern Fountain stated that Mr. Zimmerman, (Urban Renewal Director) was consulted on this request and that, in the urban renewal plans the building should be at least 8-stories and not more than 17.

No one spoke in opposition.

Motion by Trierweiler seconded by Gaus that appeal No. 1918 be approved.

The Board found based on testimony and evidence that the request is in conformance with re-development plans and that the existing zoning regulations do not address the changing characteristic of the Central City.

The Board believes that this variation will further stimulate the redevelopment of Lansing's downtown, and will not seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

#### No. 1919

Mr. Morris Stein, of Stein Associates, representing American Bank & Trust was present to speak on behalf of AB & T's appeal for a side yard variance to erect a one-story addition to an existing bank, upon the premises known as 2521 South Cedar Street. This is contrary to Section 36-50(4) of the Zoning Code in the following particulars: Section 36-50(4) requires a front yard of not less than 20 ft. The proposed addition to the bank will extend to within 8 ft. of the existing front property line.

A slide presentation was given by Mr. Fountain of the Planning Department, showing the surrounding land use.

Mr. Stein introduced Mr. Taylor and Mr. Dible of the property management office; and Mr. Starkey, branch manager, to answer any questions.

Mr. Stein gave a brief background of the existing building. The original building was a grocery store before AB&T bought it and remodeled it into a branch bank. The building is very narrow and long, it is extremely hard to work with. Mr. Stein said he thought the original building was built 18 feet back on the Greenlawn side, 20 feet back on Cedar Street. They proposed keeping the 20 feet in the front, but reducing the side, and that they are asking for 10 feet additional. He stated that it is almost impossible to build any usable office space within a dimension less than 10 feet.

Mr. Stein stated that the building is masonry with a wall bearing construction. The additional space will make the bank function better. The bank has bought additional property to the rear to expand into the drive-in facilities, and also additional land to the rear and to the north for employee parking, and additional customer parking.

Mr. Rendon asked if the drive-way in the rear would remain.

Mr. Stein replied that it would.

Mr. Fountain asked Mr. Stein about the appearance of the completed project. What would be done in way of landscaping and replanting of existing shrubbery, that would be removed by the addition.

Mr. Stein replied that they hope to do nothing at the corner to change the clear view at the corner, that there is some low shrubs that he is certain that they will relandscape the area along the side with, that will be attractive.

Mrs. Hix, 533 E. Greenlawn, spoke in opposition of this appeal. She stated that there is traffic congestion on Greenlawn, and that people who live on Greenlawn cannot get out of their driveway during the busy hours; fortunately her driveway is on Garfield, so she doesn't have that problem. But she does have the problem of getting from Cedar to her house. Mrs.

Hix stated that she would like to know just how much more business this is going to bring to this area, if this was the reason for enlarging the bank; moving it out to increase the business.

Mr. Houck asked one of the bank spokesmen to come forward to answer Mrs. Hix's question.

The Branch Manager of the AB&T came forward to answer Mrs. Hix's question. He stated that one of the big problems is rapid service, which means that the people that do come in have to stay longer and spend more waiting time. If they had more room to put in more personnel, better service would be provided and people would not have to wait as long. The purpose was mainly to increase service instead of increasing business.

Mr. Hix asked if there was any way on the American Bank's property that you can come in from off of Lincoln.

The Branch Manager replied, yes.

Mr. Hix asked if the street was going to be widened.

Mr. Fountain replied that the city would like to add an additional turning lane on Greenlawn and that an easement from the bank is being requested to move the sidewalk north.

Motion by Taylor seconded by Trierweiler that appeal No. 1919 be approved, under Section 36-12 (6) of the Zoning Code.

The Board found based on testimony and evidence that the modification would not seriously affect any adjoining property or the general welfare; and that the use of land prevented expansion in any other direction.

The Board further required that landscaping be provided between the proposed new sidewalk and Greenlawn Avenue, but not interfering with the site distance at the corner of Cedar and Greenlawn.

Motion carried unanimously.

#### No. 1920

Mr. Bernard Harr, Regional Manager of Development of the Dillon Company was present to speak on behalf of the Dillon Corporation's appeal to build an 8-story elderly apartment building on a site on the south side of Jolly Road east of Gardner School. The proposal is for 220 one-bedroom apartments in an 8-story structure with provisions for 110 parking spaces. This is contrary to Sections 36-47.1 and 36-30 of the Zoning Code in the following particulars: Section (36-30) requires 1½ parking space for each apartment. The applicant requests 1 space for every 2 apartments with adequate area on site to increase the parking if necessary. Section (36-47.1) of the Zoning Code has a height limitation of 45 ft. and the applicant re-

quests to develop the building to a height of 70 ft.

A slide presentation was given by Mr. Fountain of the Planning Department, showing the surrounding land use.

Mr. Harr gave a complete synopsis for the construction of the elderly apartment building. He stated that they are working in conjunction with Michigan State Housing Authority. They are asking for the variance because of the unique nature of the tenancy of the building. The building would be occupied exclusively by the elderly.

Mr. Harr spoke on the parking variance, the request was made because statistics on a federal basis show that an elderly building about a 1 to 4 ratio of parking becomes adequate for the parking. They are proposing a parking ratio of 1 to 2. He stated that from their previous experience of building apartment dwellings that the longer a building is in existence the less parking is required. He gave the reason as that when a person is 62 years of age moves into a building, even if they do have a car, they very seldom replace the car when it wears out due to their economic situation.

Mr. Harr stated that there is adequate room on the site to expand parking if necessary.

Mr. Harr elaborated on the height variance. He stated that by taking the building higher instead of sprawling it over a large area they can much better serve the tenants; namely, there would be closer access to the social activities on the first floor such as a community room, arts and crafts room and library. The tenants would be better served by keeping the activities in one area. Another main factor is that the personnel in the building can maintain better surveillance over the tenants and know who would leave and enter the building.

Mr. Kelley asked how the structures were financed.

Mr. Harr stated that the structure would be financed through Michigan State Housing Authority.

Mr. Kelley asked what would happen when it is completed, if it would be retained by The Dillon Company or turned over to someone else.

Mr. Harr replied that the building is retained and managed by the Dillon Company under the supervision of the Michigan State Housing Authority.

Mr. Kelley asked if they would own it.

Mr. Harr replied that they would own the building, that it would be on the tax rolls, this is not public housing, that it is a private venture and is limited to tenants over 62 years of age and in a moderate income bracket.

Mr. Gaus made the statement that he thought that the financing of the building was irrelevant to the height variance.

A slide presentation was given by Mr. Harr, showing the site and landscape plan.

Mr. Gaus asked how this project compared with the one on South Washington Avenue and the one downtown.

Mr. Harr replied that he thought that one building had 188 units and one building had 100 units.

There was no one present to speak further for the appeal.

Mrs. Arlene Parrish of 4615 Stafford Avenue spoke in opposition of the appeal. She stated that this building is a lot higher than any building that they have in the south half of Lansing. She believed that it was taking a lot for granted to put a 8-story building in a residential area; and that this would be paving the way for other dwelling of this type, seeing that they have some 30 acres adjacent to the site in question.

Mrs. Parrish spoke at some length on the zoning of the area. She stated that any proposal for multiply use of the land shall be subject to review by the Planning Board and the City Council; that this was adopted by unanimous vote. (See City Council action pages 246-247 council proceedings March 8, 1971).

Mrs. Parrish wanted to know why this appeal was up before the Board of Zoning Appeals instead of the Planning Board.

Mr. Fountain stated that it is height variance being requested, and the use of land is going up before the Planning Board at the next meeting for review.

Mrs. Parrish stated that it was just a little much after going all the way to the Supreme Court and voting public housing down 2 to 1 by the voters of Lansing, and that they would like to be sure that the area stays commercial and professional offices.

Mr. Harr spoke in defense of his appeal. He stated that he also, attended the meeting last night and that the Planning Director did not say, as quoted, that he would still like to see public housing on the site. He said that he thought that it was an excellent site for public housing; but that public housing in his estimation was never concealed on the site; because of the present value of the land. Mr. Harr stated that it was completely unfair to tie the two developments together seeing his proposal is not considered public housing.

Mr. Trierweiler asked, if this was subsidized rental housing, if the people would be subsidized partial payment for their rent.

Mr. Harr answered, that they are subsidized developers in their mortgage and

the subsidy in the interest rate of their mortgage reflects on what they charge the people.

Mr. Kelley asked if the rent is predicated on their income.

Mr. Harr answered, yes. The rent in the building is established as a basic rent to make the building viable and supportable. The person then pays the basic rent, somewhere between \$110 and \$125, that the definite amount wouldn't be set until the plans are drawn. The tenant either pays the basic rent or 25% of their income; whichever is higher. Any additional funds paid on the rent is put back into the building as additional annuities for the tenants or they revert to the state.

Mr. Hassell B. Dilday, 107 E. Jolly Road, spoke in opposition of this appeal.

Mr. Dilday expressed his concern of how close the housing development would be to his property.

Mrs. Dilday spoke in opposition of this appeal.

Mrs. Dilday stated that they own a dog kennel in the area of the elderly housing complex and she didn't believe that the elderly tenants would enjoy that at all. That she was protesting the appeal.

Mrs. Leona Box, 4635 Ora Street, spoke in opposition of the appeal.

Mrs. Box referred to the comments made by Mrs. Parrish earlier, but she added that she couldn't understand why the appeal was back in front of the Planning Board, or would be next week. She stated that on the final rezoning of it, the Planning Board suggested multiple dwelling and the City Council turned down the multiple dwelling for all professional and commercial.

Mrs. Box spoke further on the reasoning behind putting a elderly housing development in the area with a Jr. High School. She stated that they could have filed the chambers tonight, as they did with City Council, in opposition of this appeal.

Mr. Fountain stated that he wanted to clarify one point of Mrs. Box's question, as to why the appeal was going back before the Planning Board. He stated that it is going back before the Planning Board upon direction from City Council. In Council's resolution it indicated that any multiple use of the land if it was proposed, shall be reviewed by the Planning Board and City Council.

Mrs. Houck asked whether the building permit could be issued.

Mr. Fountain stated that it should be reviewed by the City Attorney, after it has been presented to City Council for review, as stated in the resolution.

No one else present spoke in opposition of this appeal.

Motion by Trierweiler supported by Kelley that appeal No. 1920 be tabled, until after it is taken to the Planning Board and the City Council, for land use considerations.

Motion carried unanimously.

#### No. 1921

Mr. Donald Hines, attorney, was present to speak on behalf of General Motors Corporation, to allow the construction of a vert-a-park tower to the height of 89 ft. 6 in. in the I-heavy industrial district. The proposed tower will be an addition to Oldsmobile Division's Building Number 64, located in the 500 Block of Olds Avenue. This is contrary to Section 36-53(1) of the Zoning Code in the following particulars: The proposed vert-a-park would be 89 ft. 6 in. in height, whereas Section 36-53(1) imposes a height limitation of 75 feet. This is a variance of 14 ft. 6 in.

A slide presentation was given by Mr. Fountain of the Planning Department, showing the surrounding land use.

Mr. Hines stated that he would like to make a correction to the Board on the height variance. He stated that it was originally correct as Mr. Fountain stated at 89 ft. 6 in., but subsequently to filling application upon more detailed drawings, they discovered that they are 15 inches off. He wanted to get the permission of the Board to have the height variance read 90 ft. 9 in.

Mrs. Houck stated that the Board would have to consider the figures that were originally stated. That Mr. Hines may have to file another appeal for the additional height requested.

Mr. Hines stated that it is his understanding the notices sent out are a notification to the section that is going to be varied, if the variance is granted, and the nature of that section; but without any notification of what that height variance was going to be.

Mr. Hines stated that he is sure that the Board would have the power to change a request while it is in process; either by the Board's own decision to change it or to honor a request that there be an amendment to what was requested.

Mr. Hines gave a presentation of the Oldsmobile complex.

Mr. Hines stated that this is not a parking structure to take care of convenient parking for employees at Oldsmobile, instead it is an integral part of the engineering building where experimental work is being conducted to attempt to improve on existing automobiles.

Mr. Hines spoke extensively on the needs for a vert-a-park building and the necessity for the additional height variance.

Mr. Kelley asked if this request applied only to the site in question.

Mr. Hines replied that is correct. The maximum is 75 ft. and that is taking advantage of every single part of the height requirement, the maximum set-back from a street line and the maximum number of feet that they can go taking into consideration that set-back. He stated that the reason that he mentioned the two factors is, for each foot back away from the street line that you set in heavy industrial area, it's possible to add another foot in height above the normal height limitation for that classification of zoning. The code specifically states that under no circumstance will it be higher than 75 ft.

Mr. Hines stated that there is no residential use within 300 ft. of property and probably not within 6 blocks in any one direction.

Mr. Ron Wiegant, owner and operator of the West Side Service Station, 1000 South Pine, asked the question of, if this 90 foot structure is approved for Oldsmobile, if this meant they could go 90 ft. in the air with the existing buildings that they have.

Mrs. Houck stated that it is just for this particular building any other proposal would have to go before the Board.

Mr. Wiegant had a second question for Mr. Hines, he stated that it is his understanding that the vert-a-park is to test emissions on the automobile, that by going 90 feet in the air that this would produce a lot of emissions out over the general downtown Lansing area. He suggested that instead of going up in the air to go down under the ground to prevent some of the emissions in the air.

Mrs. Houck stated it was her understanding that the emission would be down below and the cars would be in the vert-a-park building.

Mr. Hines elaborated further on the emission control, he stated that the area in question was strictly for the storage of the vehicles, in an atmosphere where the atmosphere can be controlled. When the Federal Government says that you will check this car for emission control under these standards; they can put the car into the enclosed area, without the car running make the test and any vapors that came from it would be captured inside the building.

Mr. Hines asked whether the Board could approve the appeal as it now stands at 89 ft. 6 in. and then have it up before the Board at the next meeting for the additional height variance. Oldsmobile could then go ahead with the letting and bids.

Motion by Gaus supported by Kelley that

appeal No. 1921 be approved for the height variance of 90 ft. 9 in. under Section 36-12(7) of the Zoning Code.

The Board found based on testimony and evidence that the increased request in height would be allowed under the intent of the ordinance and that the total variation would not seriously affect any adjoining property or the general welfare. The Board believes that strict application of the code does impose a hardship on today's industrial requirements, and the fact that this site is not adjacent to residential development, relief is granted.

Motion carried unanimously.

**TABLED:**

**No. 1906**

Mrs. Houck stated that she would like to entertain a motion that appeal No. 1906 be removed from the table.

Motion by Gaus supported by Trierweiler that appeal No. 1906 be removed from the table.

Motion carried unanimously.

In the addendum under staff recommendation ratio of parking should read one space for each 300 sq. ft. of usable floor area in the building.

Mr. Donald Linn, 116 S. Fairview, spoke on this appeal. He indicated that his property could be made available for parking.

Mr. Linn spoke quite extensively on the changing conditions of the neighborhood.

Mrs. Houck asked Mr. Linn, if he had any objections to this appeal.

Mr. Linn stated that he did not, he thought it was a great idea for someone to improve something.

Motion by Trierweiler seconded by Taylor that appeal No. 1906 be approved, subject to:

1. Parking to be provided at a ratio of

(1) one for each 300 sq. ft. of useable floor area in the building, and (1) one for each full time employee.

2. Said parking may be on the same lot or within 300 ft. of the building it is intended to serve.

If parking is expanded into the residential area to the south rezoning will be necessary, and will require careful review to give added protection to the residences.

Motion carried unanimously.

The Board found based on testimony and evidence that the change would be in keeping with the general intent of the Zoning Code, and would not seriously affect any adjoining property or the general welfare.

Chairman Houck asked for a motion to consider the minutes of March 9, 1972 and special minutes of March 14, 1972.

Motion carried unanimously.

Motion was made by Taylor seconded by Trierweiler that the minutes of the special meeting of March 14, 1972 be approved.

Motion carried unanimously.

Chairman Houck read a letter dated March 21, 1972 from the Public Service Commission, to the Board (on file).

Motion by Kelley supported by Taylor that the absentees be excused, Mr. Gafner (ill), Mr. Novakoski (vacation).

Motion carried unanimously.

Meeting adjourned at 10:10 P.M.

Respectfully submitted,  
RAYMOND C. GUERNSEY,  
Secretary  
Board of Zoning Appeals

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, May 11, 1972**

The meeting was called to order at 7:30 p.m. by Chairman Houck.

## ROLL CALL

Present: Gafner, Gaus, Houck, Kelley, Novakoski, Rendon, Trierweiler Taylor.

## HEARINGS

### No. 1922

This is a request by Jean Edwards for a variance from the established set-back of 23 ft. 3 in. to 16 ft., upon the premises known as 213 North Hayford. The variance would allow Mrs. Edwards to put combination storm/windows on an existing front porch, which is now screened in. The request is contrary to Section 36-44(4) which requires a set-back of 23 ft. 3 in. as established. This is a variance of 7 ft. 3 in.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the subject property and the surrounding land use.

Chairman Houck asked Mrs. Edwards, if she had anything to add to her appeal.

Mrs. Edwards had nothing to add to her appeal.

There was no one to speak in opposition of the appeal.

Motion by Gaus supported by Taylor that appeal No. 1922 be approved under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that the change would be compatible with development in the area, and would not seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

### No. 1923

This is a request by Vito Presacano to remove an existing front porch and build an 8 ft. addition on the front of his house, upon the premises known as 621 Willard Avenue. By putting the proposed addition on the front of the existing house, the

front yard set-back is reduced to 16.6 ft. as established. The request is for a variance of 9 ft.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the subject property and the surrounding land use.

Motion by Gaus supported by Trierweiler that appeal No. 1923 be approved, under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that, the change would not promote development out of character with the area, nor would there be any serious affect on the adjacent residential properties.

Motion carried unanimously.

### No. 1924

This is a request by the Board of Water and Light to construct an electrical substation and to install and operate related equipment and controls on the property located in the 200 Block of Howard Street. The primary purpose of the proposed substation is to provide an electric power interconnection between the Board of Water and Light system. The substation is to be an integral part of the 138 Kilovolt electric power loop system currently under construction to increase system reliability for the city. Under Section 36-12(4) of the Zoning Code, the Board may permit the erection and use of a building or the use of premises for public utility purposes.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the subject property and the surrounding land use.

Mr. Bill Fishback, representative of the Board of Water and Light, spoke in behalf of this appeal.

Mr. Fishback made one correction, stating that it is not a tie with Consumers Power Company, but a part of 138,000 volt system to loop the present system to help reliability of the system entirely.

Mr. Fishback presented a photograph to the Board showing the property in question and surrounding land use.

Mr. Fishback explained the proposals for the substation and the surrounding property. He stated that the substation would be one small building 30 x 20 and a eight-foot chain link protective fence would be erected around the transformers, the outside will be seeded. The driveway will be gravel and people adjacent to the property would have use of the open space.

Mr. Kelley asked where in the site the substation would be located.

Mr. Fishback replied that the substation would be where the present vacant building is now, (The Amiss Block Company).

Mrs. Houck asked how soon the building would be constructed.

Mr. Fishback replied, 1973.

Mr. Fishback suggested plans for the area, as fas as landscaping and fencing of the area for the substation.

Mrs. Houck asked Mr. Fishback to stay with the Board during the business secession, so that any questions could be answered, concerning the substation.

There was no one else to speak for the appeal.

Mr. Robert McCauley, 2803 LaSalle Gardens spoke in opposition of this appeal.

Mr. McCauley, made the statement that the area is not a slum area, as the pictures indicated on the slides. He said, it is a very fine residential area with 15 to 25 thousand dollar homes. He stated, that when Martin Block moved out of the area, they (the residents) hoped that the site would be used for a public park. He spoke quite extensively on the interference on Howard Street from the high voltage lines put up by Consumers Powers, and as to his experience as a civil engineer.

Mrs. Houck asked Mr. McCauley, if he thought that there should be no more substations to increase the electrical power.

Mr. McCauley stated, that he didn't think the substations should be in the heart of a residential area.

Mr. Fishback did not have pictures of similar substations to present to the Board, but he did give various locations of existing substations. He stated that of all the substations in the various locations of the city, no one had complained as to the structure itself or interference to T.V. reception.

Mrs. Ferne Berg, 312 Midvale, spoke in opposition of this appeal.

Mrs. Berg stated, that the reason they bought the property to begin with was, because they were told that Amiss Block would not be in that section for very long.

Mr. Nico Nurrzio, 301 North Howard, spoke in opposition of this appeal.

He stated, that he left a neighborhood two years ago that, was being degenerated by so called progress. He said, he was in accord with Mr. McCauley's fellings, who spoke earlier in opposition of the appeal.

Mr. Glenn Porterfield, 2717 LaSalle Gardens, spoke in opposition of this appeal.

Mr. Porterfield said that, they would much rather have a park, than a power plant.

Mr. Kelley asked, if Mr. Porterfield had seen any of the substations that are in existance around Lansing.

Mr. Porterfield answered, that he didn't think he had.

Mr. Fishback suggested, that the residents in the neighborhood take time to look at other substations in residential areas in Lansing.

Mrs. Flossie Backer, 2808 LaSalle Gardens, spoke in opposition of this appeal.

Mrs. Backer asked, if the substations made lot of noise or had bright lights.

Mr. Fishback stated that, there were no bright lights or noise.

Mrs. Jean Edwards, 213 North Hayford, spoke on the appeal.

Mrs. Edwards stated, that she used to live out in DeWitt at the corner of Webb and Dell Road and that next door to her was a Consumers Power transformer. Consumers Power kept the grass clean and mowed and that it actually looked like a park. She lived there for 12 years and there was only once in six years that a wire was down. There was never any lights flashing or interference of her television. Children in the neighborhood came over to play and that there was never any danger.

There was some discussion by Mr. Fishback, representing the Board of Water and Light, and the Board of Appeal on whether the area in question would have a fence around the substation, and what kind of fence.

Moved by Taylor supported by Trierweiler that appeal No. 1924 be tabled, until the June meeting.

The decision was to table the appeal, so that the residents involved could go out and view the substations already constructed in Lansing; also, so Mr. Fishback could present pictures to the Board of existing substations.

Motion carried 7- years, I nay.

#### No. 1925

This is a request by Antonie Brand, 419 North Magnolia, to glass in his front

porch. This is contrary to Section 36-44(4) of the Zoning Code. Section 36-44(4) requires set-back of 25-feet from the sidewalk, as established. This is a variance of seven feet.

A slide presentation was given by Mr. Vern Fountain, of the Planning Department, showing the subject property and the surrounding land use.

Mrs. Brand was present to speak for her appeal, she had nothing to add. No one was present to speak in opposition of the appeal.

Motion by Kelley supported by Gaus that appeal No. 1925 be approved, under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that, front porch enclosures are characteristic of the area, and there was no evidence of adverse affect on adjacent residential properties.

Motion carried unanimously.

#### No. 1926

This is a request by Mrs. Colleen Webb to enclose an existing porch with glass upon the premises known as 205 Jones Street. This is contrary to Section 36-46(4) of the Zoning Code, which requires a set-back of 22 ft. as established between intersecting streets. This is a variance of nine-feet.

A slide presentation was given by Mr. Vern Fountain, of the Planning Department, showing the subject property and the surrounding land use.

There was no one present to speak on the appeal, or any one to speak in opposition of this appeal.

Motion by Rendon supported by Gaus that appeal No. 1926 be approved under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that the open front porch development existed in this area, and that others have been enclosed and made an integral part of the main structure. The Board does not believe the change will seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

#### TABLED.

#### No 1920

Chairman Houck stated, that she would entertain a motion that appeal No. 1920 be removed from the table.

Motion by Taylor supported by Trier-

weiler that appeal No. 1920 be removed from the table.

Motion carried unanimously.

Mr. Bernard Harr, Regional Manager of Development for the Dillon Company was present to speak on behalf of the Dillon Company's appeal.

Mr. Harr gave a review of the plans for the elderly apartments, as far as the height variance and the number of parking spaces per each unit.

Mr. Harr stated, in the design of the project, if the variance is granted they will design into the project adequate parking area for expansion, and if at any time a one to two ratio is not adequate, they would be very happy to increase the parking.

Mr. Harr suggested the advantages of making the building higher and the advantages to the tenants and the functions in the building.

Mrs. Houck asked, if there was any one to speak for, or in opposition of this appeal.

No one spoke.

Mrs. Houck asked about the automobile parking experience for the elderly on Seymour.

Mr. Fountain stated, that they have adequate parking, and visitors can use the parking ramp, which is close by, if they desire.

Mr. Ed Butler, Director of Management and Marketing for the Dillon Company made additional comments, as to the parking needs. He stated, that they would make the additional amendment as soon as it would become necessary.

Mrs. Houck asked, if there was any objections to putting the stipulation that additional parking would be provided, if the appeal is granted.

Mr. Butler replied that he had no objections to the stipulation.

Motion by Trierweiler to approve this request allowing a building height of eight stories and a parking variance of one-space per unit, (Sev. 36-12(7) or requiring a total of 220 spaces and requested that:

1. If and when the time comes that parking does become a problem on the site, the parking facilities be expanded to alleviate the problem.
2. That the recreational area on the south portion of the site be maintained for recreational purposes of the residents.

Seconded by Kelley.

Motion by Novakoski to amend the motion to reduce the required parking to 165 spaces or 1½ spaces for each two-units.

The following vote was taken on the amendment.

Yea: Trierweiler, Gafner, Gaus, Houck, Novakoski, Rendon.

Nay: Taylor, Kelley.

The appeal is granted allowing a building height of eight-stories, and provisions for 165 parking spaces, and that:

1. If and when the time comes that parking does become a problem on the site, the parking facilities be expanded to alleviate the problem.
2. That the recreational area on the south portion of the site be maintained for recreational purposes of the residents.

The Board found based on testimony and evidence that, the zoning district in which the property is located ("D-1" Professional) permitted the use and density proposed, but prohibited a building height which is permitted in the more restrictive

residential zoning districts; such as, the "D" apartment district.

The Board believes that, this restriction is somewhat inconsistent when relating to the use of land in the particular zoning districts.

The Board further believes that a reduction of parking is reasonable when relating to the use proposed, and that the necessary precaution has been taken to insure future expansion when necessary.

The Board does not believe the change will seriously affect any adjoining property or the general welfare, and will encourage development which will tend to support other established uses in the vicinity; for instance, the Commercial Complex to the east.

Motion by Trierweiler seconded by Novakoski to approve the minutes of April 13, 1972.

Motion carried unanimously.

Meeting adjourned at 9:25 P.M.

Respectfully submitted,

RAYMOND C. GURNSEY,  
Secretary,  
Board of Zoning Appeals.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, June 8, 1972**

The meeting was called to order at 7:30 P.M. by Chairman Houck.

## ROLL CALL

Present: Gaus, Gafner, Houck, Kelley, Novakoski, Rendon, Taylor.

Absent: Trierweiler.

## HEARINGS

### No. 1927

This is a petition by Kenneth Willert to enclose an existing front porch, which will reduce the required front yard 20 feet 6 inches to 13 feet 1 inch on premises known as 708 Baker Street. This request is contrary to Section 36-54(4) of the Zoning Ordinance which requires a front yard of 20 feet 6 inches as established by 40 percent of the developed frontage. The request as filed represents a reduction of 7 feet 5 inches into the required front yard.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the subject property and the surrounding land use.

Mr. Kenneth Willert was present to speak on behalf of his appeal. He stated that he didn't understand the reduction of the front yard.

Chairman Houck explained that the enclosure would be considered an integral part of the house or another room, so therefore, it would reduce the required set-back.

No one spoke in opposition of the appeal.

Motion by Rendon supported by Novakoski that appeal No. 1927 be approved under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that, enclosed front porch development was not uncommon in the area, therefore the character of the neighborhood would not be changed. The Board does not believe the change will seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

### No. 1928

This is a request by Thomas McCoubrey for a side yard variance on the property located at 5010 Hilliard Road, more specifically described as: Lot 61, Homeowners Subdivision, Lansing, Ingham County, Michigan. The variance would allow the erection of an attached open carport to the house, and would constitute an extension into the minimum side yard of 2 ft. 6 in. This is contrary to Section 36-44(3) of the Zoning Code which requires a side yard on each side of a building having a width of not less than 10% of the average width of the lot.

A slide presentation was given by Mr. Fountain of the Planning Department, showing the subject property and the surrounding land use.

Mrs. McCoubrey was present to speak on her appeal. She stated that the reason they wanted the additional 2 ft. 6 in. was so that they could make the carport a car and a half wide. She stated several reasons for not putting the carport in the back, they have a garden in the back and railroad ties; also, the entire back yard is fenced in.

There was no one else appearing for the appeal or any one appearing in opposition.

Motion by Taylor supported by Novakoski that appeal No. 1928 be approved, under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that there is a grade difference between the properties directly involved, and the Board believes that this separation will reduce any adverse effect that may occur from this construction.

It is also pointed out that development on the lot to the south is approximately 24-feet from the north lot line, therefore over-crowding does not present a problem. In summary, the Board does not believe the change will seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

### No. 1929

This is a request by the Board of Water

and Light to install and operate a municipal water well facility on Lot 32, Green Acres Subdivision, City of Lansing, Ingham County. This request is made in accordance with Section 36-12(4) of the Zoning Code. This is contrary to Section 36-17 of the Zoning Code in the following particulars: A municipal water well facility is not a permitted use in the A-one family residential district without the approval of the Board of Appeals.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the subject property and the surrounding land use.

Mr. Ronald Hohenstein was present to represent the Board of Water & Light.

Mr. Hohenstein stated that the site proposed will be a site for future use. Development on the site will be the type of structure that will be visible on the site, a steel controlled cabinet two-feet in depth, six-feet in width and five-feet high. He presented a photograph to the Board of what the structure will look like.

Mr. Hohenstein stated that the structure will have the motor down in the well and there would be no noise at the site. The set-back would be 70 ft. off Dunckel Road. The surrounding site would be landscaped and taken care of.

Chairman Houck asked how deep the well would be.

Mr. Hohenstein answered that it would be 380 feet deep and 14 inches in diameter.

There was no one to speak further for the appeal, or in opposition of the appeal.

Motion by Gaus supported by Taylor that appeal No. 1929 be approved, under Section 36-12(4) of the Zoning Code, subject to a landscape and screening plan being submitted and approved by the Planning Department, at the time of development.

The Board found based on testimony and evidence that, the type of use proposed would not seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

#### No. 1930

This is a request by Herbert S. Bullen to enclose half of his existing front porch located at 1615 West Saginaw, more particularly described as, Lot 11, Block 9, Espanore Addition. This is contrary to Section 36-44(4) which requires a front yard of 31 ft. as established between intersecting streets. This is a variance of 8 ft.

Mr. Vern Fountain of the Planning Department gave a slide presentation showing the subject property and the surrounding land use.

Mr. Bullen was present to speak in behalf of his appeal.

There was no one present to speak further on the appeal or in opposition of the appeal.

Motion by Rendon supported by Gafner that appeal No. 1930 be approved, under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that, the enclosure would alleviate a noise and dust problem from traffic on Saginaw Street; and would not seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

#### No. 1931

This is a request by 20th Century Investors to construct 36 one (1) bedroom apartments on Lot 4, Bardaville Plaza. This is contrary to Section 36-46.1(5) which requires a lot area of 3,000 square feet per family, or a total of 108,000 square feet which makes the request a variance of 5,689 square feet.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the subject property and the surrounding land use.

Mr. John Ely, representative for Fox Associates was present to speak on behalf of this appeal.

Mr. Ely stated that the apartments would be primarily for young married couples without children and would rent from \$165 to \$175 per month.

There was no one to speak further for the appeal and no one to speak in opposition.

Motion by Gaus supported by Taylor that appeal No. 1931 be approved, under Section 36-12(7) of the Zoning Code.

The Board found based on testimony and evidence that the type of units proposed would not seriously contribute to over development of the land, and that the change would not seriously affect any adjoining property or the general welfare.

Motion carried unanimously.

#### No. 1932

This is a request by Phyllis Jean Kleinhaus to install an in-ground swimming pool at 801 Vance, more particularly described as: Lot 16 Randall's Subdivision, City of Lansing, Ingham County, Michigan. The swimming pool is proposed to be located between the house and Seventh Avenue. This is contrary to Section 36-44(4) of the Zoning Code which requires

a front yard of 20 feet. This is a variance of 20-feet.

Mr. Jack Burns, salesman from Dietz Pool & Supply Company was present to represent Mrs. Kleinhaus on the appeal for an in-ground swimming pool.

Mr. Burns spoke at some length, as to the extensive program of planning and remodeling done by Mr. and Mrs. Kleinhaus inside and outside their home; in preparation for building the in-ground swimming pool. He gave the layout of the area in question, stating behind the home is industrial development, north two blocks is industrial and a dead-end street. The area is very highly traveled.

Chairman Houck corrected the statement by Mr. Burns of the swimming pool being in the side yard, it would be in the front yard, not the side yard; as he originally stated.

Mr. Gaus asked the distance between the house and the property line.

Mr. Fountain stated 20-feet.

Mr. Kelley asked what kind of fence would be provided.

Mr. Burns answered a privacy fence, a wooden fence that couldn't be climbed or that you could see through, that the height of the fence would be built up to six-feet to satisfy the Board of Zoning Appeals, but this would be against the pool code which is for a five-foot fence.

Mr. Burns stated that the pool would be set back from the corner far enough, so that it will not interfere with the site at the intersection; as far as the traffic is concerned.

Mrs. Houck asked how close to the front of the house the pool would be.

Mr. Burns answered that the pool would be back into the sliding glass area of the house.

A petition was presented to the Board with the signatures of 63 residents in the area; in favor of the construction of the in-ground swimming pool.

There was no one to speak further on the appeal or any one in opposition of the appeal.

Motion by Gaus seconded by Rendon that appeal No. 1932 be denied, under Section 36-12(6) of the Zoning Code.

The Board found based on testimony and evidence that: The request would allow the construction of an in-ground swimming pool between the existing house and Seventh Avenue. The lot size is 50 ft. x 76 ft. and contains 3800 square feet. Existing development on the site consists of a 24.4 ft. x 35 ft. house and a 16 ft. x 22 ft. garage. The lot area is below the minimum

square foot requirements, with the addition of the swimming pool, the lot will definitely be overdeveloped. The proposed pool, including the three-foot deck on each side, will extend to the westerly lot line. There will also, be a 6 ft. privacy fence around the pool.

In addition to being an encroachment on the front yard, the pool will extend to within 10 ft. of the rear lot line. As interpreted by the Building Department, a swimming pool is a structure. Section 36-54(2) of the Zoning Code states that an accessory building shall not occupy more than 30% of a required rear yard. Because of the small lot size, the rear yard is twenty-one feet instead of the twenty-five feet required in the B-1 Zone. There is a 16 ft. x 22 ft. garage in the rear yard and with the addition of the swimming pool extending into the rear yard, required and useable space will be reduced beyond their function.

It is further pointed out that the five-foot fencing requirements for this swimming pool would be in violation of the city fence ordinance, which does not permit fencing in the front yard over four-feet in height.

In summary, the Board believes that addition of a swimming pool or any further structural additions would constitute severe overdevelopment of the site.

Motion carried unanimously.

Tabled.

No. 1924

This is a request by the Board of Water and Light to construct an electrical substation and to install and operate related equipment and controls on the property in question. The primary purpose of the proposed substation is to provide an electric power interconnection between the Board of Water and Light system and the Consumer Power system. The substation is to be an integral part of the 138 Kilovolt electric power loop system currently under construction to increase system reliability for the city.

Under Section 36-12(4) of the Zoning Code, the Board may permit the erection and use of a building or the use of premises for public utility purposes. This request was tabled at the regular meeting May 11, 1972.

Chairman Houck stated, that she would entertain a motion that appeal No. 1924 be removed from the table.

Motion by Kelley supported by Taylor that appeal No. 1924 be removed from the table.

Motion carried unanimously.

A slide presentation was given by Mr. Vern Fountain of the Planning Department, showing the subject property and the surrounding land use.

Slides were shown of substations located in various residential areas of the city.

Mr. Fishback representing the Board of Water and Light was present to speak for this appeal. Mr. Fishback showed pictures to the Board which were passed for viewing to the audience. The pictures showed the type of development existing on the site.

Mr. Fishback stated that with the new development the area would have a good job of landscaping and it would be maintained.

Chairman Houck read a letter dated June 8, 1972, from Mrs. Gladys Stewart property owner at 2641 LaSalle Boulevard. Mrs. Stewart stated that she has no objection to the substation being built in the area, but she did request that a fence be built around the structure to keep trespassers from the residential sector.

Mrs. Wine of 2802 LaSalle Gardens questioned how many letters were sent out to the petitioners and how it is determined who is notified. She stated that on the first meeting, May 11, 1972, she was not notified, but she was notified as to the present meeting, June 8, 1972.

Mr. Fountain of the Planning Department answered that the names are obtained from the City Assessor's Office (Tax Rolls).

Mrs. Wine asked if the substation would interfere with the television reception.

Mr. Fishback replied that it would not.

Mr. Phillip Cunningham, 2724 LaSalle Gardens asked what the structure would look like. If it would be a block building as was shown in the picture, and what the profile of the structure would be.

Mr. Fishback gave a description of the structure, he stated that it would be 12 to 14-feet high, most of the electricity outgoing would be underground, and two high lines coming in overhead 138,000 CVA.

Mr. Cunningham asked about the power due to the size of the structure.

Mr. Fishback stated that the size wouldn't matter as to the power, that it would be the same.

Chairman Houck asked Mr. Fishback to give a review on the reason for the substation for the benefit of the residents that were not at the first Board of Zoning Appeals meeting, May 11, 1972.

Mr. Fishback stated it is a loop for the city to make a better continuous electrical system. He told of the various substations that are already in existence in various

parts of the city, also the ones that are planned for the future.

Mr. Wade Flannery of 245 North Howard expressed his opposition to the variance. He stated that he felt that since the area is A-1 residential that it should stay that way, as that was what it was originally planned.

Chairman Houck explained that the Board has the authority to grant permission to put public utilities in residential sections.

Mr. Flannery stated that he was aware of that.

Mr. Gaus asked how far the set-back of the structure would be from the property owners on the west and the north.

Mr. Fishback explained that the fence is 40-feet from the existing property line on the west, that the secretary of the Board recommended that the fence be put on the property line, but this would be only eight-feet from the garage in that area. That it really didn't matter where they put the fence.

Motion by Gaus supported by Rendon that Appeal No. 1924 be approved, under Section 36-12(4) of the Zoning Code. Subject to the following:

1. That fencing and screening be provided along the north and west property lines. Fencing and screening to consist of one of the following:
  - A. A-6 feet high chain link fence with interwoven redwood slats.
  - B. A-4 feet high chain link fence with dense evergreen plantings of a mature height of 6-feet be provided adjacent to said fence.
2. The fencing and screening requirements (Page 7) shall be required at this time for those properties which do not have existing protection, and further, the fencing requirements shall be enforced if and when existing fencing is destroyed or removed.

The Board found based on testimony and evidence that, the request by the Board of Water and Light to construct an electrical substation on the site in question is for the purposes of providing better electrical service to the City of Lansing. The location of the substation is somewhat critical, meaning that it must be located in the area of the site in question. The plans for the substation itself are for the low profile type of substation. There presently exist a block building that once housed the Amis Block Company.

The Board believes that the substation will provide the residential section to the north and west with a buffer from the commercial and industrial uses to the south. The substation will not create any smoke or noise, and therefore be a dis-

tinct land use improvement over the Block Company that previously occupied the site. The Board believes that the substation will improve the land use relationships that exists today, and will not seriously affect any adjoining property.

Motion carried unanimously.

Motion by Taylor supported by Gaus that the minutes of May 11, 1972 be approved.

Minutes of May 11, 1972 approved by unanimous vote.

Chairman Houck stated that the election of officers would be held at the next Board of Zoning Appeals meeting, July 13, 1972.

Meeting adjourned at 9:15 P.M.

Respectfully submitted,

RAYMOND C. GUERNSEY,  
Secretary.

## OFFICIAL PROCEEDINGS OF THE HOUSING COMMISSION OF THE CITY OF LANSING

### Proceedings, March 7, 1972

The March 7th meeting of the Housing Commission was called to order by President Riley.

#### **ROLL CALL**

Present: Blair, Clapp, Riley, Sliker.

Absent: Bates.

Visitor: Nobyn D'Haene, Architectural Inspector.

The minutes of February 15 and February 28 were approved as amended.

#### **COMMUNICATIONS**

A letter was read from Geert D. Mulder & Sons indicating that lot No. 75, Woodlawn Subdivision, had been sold to another buyer and, therefore, was not available.

#### **DIRECTOR'S REPORT**

##### **MICH. 58-1 (Leased Housing)**

A meeting had been held with Lansing Board Rental Corporation to discuss disposition of the following houses leased from them by the Lansing Housing Commission.

912 West Lenawee—The Maintenance Superintendent of the Lansing Housing Office is preparing this house for return to LBR. The Housing Office had decided that

the house could be renovated for less than the \$8,500 to \$4,000 requested by LBR to break the lease.

605 West Lenawee—The Project Manager, Maintenance Superintendent, and the Director analyzed the condition of this house which has had the plumbing, electrical fixtures, and other items stripped from the building. Upon careful consideration of costs required to refurbish the unit to the state and condition in which it was leased it was estimated that the cost would be more than \$3,100. Since Lansing Board Rental Corporation has agreed to return the lease for \$3,100 the unit will be turned back to them for this amount.

624 Park Place—The Lansing Housing Office estimated that it would cost at least \$2,000 to prepare Park Place for return to Lansing Board Rental. Upon advice of the Maintenance Superintendent and the Project Manager, it was agreed that it would be cheaper for the housing office to pay LBR \$2,000 instead of attempting to renovate it in preparation for its return to Lansing Board Rental.

Other units that the Lansing Board Rental have indicated that they would like to have returned to them on an orderly basis are: 301 South Francis, 1220 W. Hillsdale, 6327 Hilliard, 1011 Raider, 1024 North Larch.

The question was raised as to why houses are being returned to LBR that are in good condition and desirable neighborhoods. The Director explained that under the present